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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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**SECURITIES INVESTOR
PROTECTION CORPORATION,**

Plaintiff,

v.

**BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,**

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

**SIPA LIQUIDATION
(Substantively Consolidated)**

Adv. Pro. No. 08-01789 (BRL)

NOTICE OF APPEAL

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**DESIGNATION OF ITEMS FOR INCLUSION IN THE RECORD AND JOINDER IN THE
STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL**

Pursuant to Federal Rule of Bankruptcy Procedure 8006 and in connection with the Notice of Appeal filed by Dr. Michael Schur and Mrs. Edith Schur (“Appellants”), Appellants hereby designates the following items, in addition to those items designated in the *Joint Designation Of Items To Be Included In The Record And Statement Of The Issue To Be Presented On Appeal* (filed Apr. 1, 2010), for inclusion in the record on appeal:

Filing Date	Docket #	Docket Text
6/22/09	289	Objection to trustee's determination of claim filed by Michael Schur.
11/18/09	933	Objection to Trustee's determination denying claim filed by Jeffrey L. Bernfeld on behalf of Edith A. Schur.
11/13/09	749	Opposition Brief (related document(s) 524) filed by Jeffrey L. Bernfeld on behalf of Edith A. Schur, Michael Schur
12/22/09	1110	Amended Reply to Motion in further opposition to Trustee's motion regarding determination of Net Equity and specifically addressing the arguments of the SEC and Optimal, amending docket entry 1109 to include cover page filed by Jeffrey L. Bernfeld on behalf of Edith A. Schur, Michael Schur. (Bernfeld, Jeffrey)

Furthermore, as set forth in *Joint Designation Of Items To Be Included In The Record And Statement Of The Issue To Be Presented On Appeal*, Appellants hereby join in the Statement of the Issue to Be Presented on Appeal, which states:

Whether the Bankruptcy Court erred when it ruled that a customer's “net equity” under Section 16(11) of the Securities Investor Protection Act (“SIPA”) may be determined by calculating

the amount of cash deposited by the customer minus the amount withdrawn, rather than by calculating the dollar value of the securities positions in real securities shown on the customer's last account statement prior to the filing date, where SIPA defines "net equity" as: the dollar amount of the account or accounts of a customer, to be determined by – (A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date, all securities positions of such customer . . . ; minus (B) any indebtedness of such customer to the debtor on the filing date (15 U.S.C. § 78lll(11).)

Dated: New York, New York

April 5, 2010

BERNFELD, DeMATTEO & BERNFELD, LLP

By: _____/s/

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